



PATENT
Docket No. 532212000600

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Rhea Amid
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas L. CANTOR et al.

Serial No.: 09/231,422

Filing Date: January 14, 1999

For: **METHODS, KITS AND ANTIBODIES
FOR DETECTING PARATHYROID
HORMONE**

Examiner: Jacob Changhwa CHEU

Group Art Unit: 1641

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is an Examiner's reasons for allowance:

the prior art neither teaches nor suggests a method for measuring an amount of [the] whole parathyroid hormone in a sample using a substantially pure antibody or antibody fragment specific for an initial peptide sequence of whole parathyroid hormone wherein said initial peptide sequence consists of a specific peptide sequence [that] comprises VAL-SER-GLU-ILE-GLN-LEU-MET, and wherein at least four amino acids in said initial peptide sequence are part of a reactive portion with said antibody.

Applicants offer the following comments to the Examiner's reasons for allowance. First, Applicants point out that although some of the allowed claims, *i.e.*, claims 25-27, 44-48, 51-56 and 60 recite "substantially pure" antibody or antibody fragment, the other allowed claims, *i.e.*, claims 29-43, 49, 50 and 57-59, do not recite "substantially pure" antibody or antibody fragment.

Second, Applicants point out that the "initial peptide sequence," for which the antibody is specific, must contain at least four amino acids in the VAL-SER-GLU-ILE-GLN-LEU-MET sequence. However, such "initial peptide sequence" need not exist alone and can be part of a larger sequence. For example, if the antibody reactive portion is PTH (2-5), *i.e.*, VAL-SER-GLU-ILE, the reactive portion need not exist alone and can be part of a larger sequence, *e.g.*, as part of PTH (1-5) peptide, PTH (1-10) peptide, PTH (1-34) peptide or the whole PTH (1-84). This understanding of the "initial peptide sequence" is consistent with the Examiner's reasons for allowance, in which the Examiner recognized that the "initial peptide sequence consists of a specific peptide sequence [that] comprises VAL-SER-GLU-ILE-GLN-LEU-MET (emphasis added). This understanding of the "initial peptide sequence" is also consistent with the claim language and the teachings in the specification as the antibody can be used to assay for a PTH peptide or the whole PTH protein that contains both the "initial peptide sequence" and other additional peptide sequences.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 532212000600. However, the

Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: May 2, 2003

By: 

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